

Exhibit V



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Transcript of Akitaka Hara

Date: January 18, 2017

Case: UM Corporation -v- Tsuburaya Productions Co. Ltd.

Planet Depos

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WORLDWIDE COURT REPORTING | INTERPRETATION | TRIAL SERVICES

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 - - - - - x
5 UM CORPORATION, a Japanese :
6 corporation, :Case No.
7 :2:15-cv-03764
8 Plaintiff, : (AJWx)
9 :
10 v. :
11 :
12 TSUBURAYA PRODUCTIONS CO. LTD., a :
13 Japanese corporation, :
14 :
15 Defendant. :

16 - - - - - x

17 (Caption continues - Next page)

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2

1 TSUBURAYA PRODUCTIONS CO. LTD., a :
Japanese corporation,

2 :
3 Counterclaimant,

4 v. :

5 UM CORPORATION, a Japanese :
corporation; ULTRAMAN USA INC., a :
California corporation; SOMPOTE :
6 SAENGDUENCHAI, a Thai individual; :
7 GOLDEN MEDIA GROUP INC., a California :
corporation; TIGA ENTERTAINMENT :
8 COMPANY LTD., a Hong Kong :
corporation; and DOES 1-10,

9 Counterdefendants. :

10 - - - - - x

11
12
13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

14
15
16 Videotaped Deposition of

17 AKITAKA HARA

18 Tokyo, Japan

19 Wednesday, January 18, 2017

20 9:03 a.m.

21
22
23 Job No.: 129369

24 Pages: 1 - 85

25 Reported By: M. Allred, RPR, CSR(A)

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1 Videotaped Deposition of AKITAKA HARA, held at the
2 offices of:

3
4
5 U.S. EMBASSY IN JAPAN - TOKYO

6 1-10-5 Akasaka

7 Minato-ku, Tokyo 107-8420

8 Phone: 03-3224-5000
9
10
11

12 Pursuant to notice, before M. Allred, RPR, CSR(A),
13 Notary Public in and for the District of Columbia.
14
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A P P E A R A N C E S

ON BEHALF OF UM CORP., TIGA, AND GMG:

JEFFREY D. WEXLER, ESQUIRE (Los Angeles)

MICHAEL CHIBIB, ESQUIRE (Austin)

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1 A P P E A R A N C E S C O N T I N U E D

2 ON BEHALF OF TSUBURAYA:

3 SHIGERU NAKAYAMA, ESQUIRE

4 TMI ASSOCIATES

5 23rd Floor, Roppongi Hills Mori Tower

6 6-10-1 Roppongi, Minato-ku, Tokyo 106-6123

7 Phone: +81-03-6438-5511

8

9

10 ALSO PRESENT:

11 MAIYU TASHIRO, For Tsuburaya

12 TREVOR PRICE, CLVS, Videographer

13 MICHAEL SEKINE, Interpreter

14

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins Media Unit 1 in the individual videotaped deposition of Akitaka Hara in the matter of UM Corporation versus Tsuburaya Production Company Inc. in the US District Court, Central District of California, Western Division, Case Number 2:15-cv-03764-AB.

Today's date is January 18, 2017. Time on the video monitor is 9:03.

The videographer today is Trevor Price, and the reporter is Mary Allred both on behalf of Planet Depos.

This video deposition is taking place at the United States Embassy, Tokyo, Japan.

Would counsel and interpreters please voice identify themselves and state whom they represent.

MR. WEXLER: Jeffrey D. Wexler of Pillsbury Winthrop Shaw Pittman on behalf of Plaintiff and Counterdefendant UM Corporation and Counterdefendants Golden Media Group and TIGA.

MR. CHIBIB: Mike Chibib of Pillsbury for the same parties.

MR. KIMOTO: Taisuke Kimoto of Pillsbury for the same parties.

MR. GOLDSTEIN: I'm Dan Posner from Quinn

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1 Emanuel for the Defendant and Counterclaimant Tsuburaya
2 Productions. And I'm here with my colleague Ryan
3 Goldstein also from Quinn Emanuel. And Shigeru Nakayama
4 from TMI and Maiyu Tashiro from TPC.

5 THE INTERPRETER: Mike Sekine, lead
6 interpreter.

7 THE VIDEOGRAPHER: Stand by.

8 (T. PRICE was previously duly sworn by the
9 Consular Officer to record the video deposition.)

10 (M. ALLRED, RPR, CSR(A), having been
11 previously duly sworn by the Consular Officer to
12 stenographically report the videotaped deposition,
13 transcribed the following:)

14 (MICHAEL SEKINE, Lead Interpreter herein,
15 having been previously duly sworn by the Consular
16 Officer to interpret the proceedings herein from English
17 into Japanese and from Japanese into English to the best
18 of his ability, interpreted the following:)

19 (Unless indicated otherwise, all questions and
20 answers are through the Interpreter.)

21 AKITAKA HARA,
22 having been first duly sworn by the Consular Officer,
23 testified through the Interpreter as follows:

24 THE VIDEOGRAPHER: We are on the record. The
25 time is 9:11.

09:04:41

09:04:44

09:04:47

09:04:52

09:04:58

09:05:00

09:05:00

09:05:30

09:07:55

09:11:54

09:11:59

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E X A M I N A T I O N

BY MR. WEXLER:

Q Please state your full name for the record.

A Akitaka Hara.

Q Now, we're here today to take your deposition in connection with a lawsuit in the United States. A deposition is a legal proceeding in which I ask you questions. Your attorney can object to my questions, and you're required to answer my questions unless your attorney tells you not to.

A Hai.

Q You've taken an oath to tell the truth under penalty of perjury. That's the same oath that you would take if testifying in court.

MR. POSNER: Why don't we translate his "hai's" just so they become yes'es in the record.

A Yes.

MR. WEXLER: That's fine.

Q The court reporter will prepare a transcript of everything that's said in English here today.

A Hai.

Q You will have a chance to review and correct that transcript; however, it's important that you give your best testimony here today because the attorneys will be able to comment on any changes that you make.

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Conducted on January 18, 2017

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1	Mother of Ultra?	10:23:17
2	A Ultraman Taro.	10:23:23
3	Q Not any of the other Ultra heroes?	10:23:25
4	A Other heroes are not children of Ultra --	10:23:29
5	Father of Ultra and Father -- Mother of Ultra.	10:23:38
6	Q Are the other Ultra heroes brothers of each	10:23:41
7	other?	10:23:44
8	A There are some Ultra heroes that are brothers	10:24:06
9	by blood, and there are others who are not.	10:24:17
10	Q Was Ultraman Leo the next Ultraman series	10:24:20
11	produced by TPC after Ultraman Taro?	10:24:27
12	A That's right.	10:24:38
13	Q Did Ultraman Leo air -- start airing the	10:24:39
14	first -- the same year that Ultraman Taro stopped airing	10:24:45
15	in first run?	10:24:47
16	A The same year that the final episode of	10:24:57
17	Ultraman Taro ran. That's right.	10:25:01
18	Q Did Ultraman Leo make his first appearance in	10:25:03
19	the show Ultraman Leo?	10:25:06
20	A Yes. That's right.	10:25:08
21	Q Did Astra make his first appearance in the	10:25:10
22	show Ultraman Leo?	10:25:15
23	A Yes.	10:25:19
24	Q Is Astra an Ultra hero?	10:25:20
25	A It's counted as one of the Ultra heroes.	10:25:26

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1	Q	Did Ultraman King make his first appearance in	10:25:29
2		Ultraman Leo?	10:25:34
3	A	Yes. That's right.	10:25:36
4	Q	Is Ultraman King considered an Ultra hero?	10:25:37
5	A	It's counted as one of the Ultra heroes.	10:25:42
6	Q	After Ultraman Leo, was the next Ultraman	10:25:49
7		series produced by TPC The Ultraman?	10:25:52
8	A	There was some time gap between Leo and The	10:26:02
9		Ultraman, but in terms of the Ultraman series that's	10:26:17
10		directly linked, yes, that's right.	10:26:22
11	Q	Do you have any understanding why there was	10:26:24
12		that time gap between Ultraman Leo and The Ultraman?	10:26:27
13	A	I'm going to tell you my understanding of it.	10:27:16
14		In 1973 Japan was struck by the oil shock, and with	10:27:21
15		this, the prices of industrial materials used to film	10:27:27
16		these works went up. Things like the film, films	10:27:31
17		themselves, and also the special effect set, and also	10:27:36
18		the powders for explosion and the materials like these,	10:27:42
19		the prices went up. So it became harder and harder to	10:27:47
20		produce these works.	10:27:50
21		And another reason for the time gap, according	10:28:23
22		to my understanding, is that TPC made Return of	10:28:27
23		Ultraman, Ultraman Taro, and Ultraman Leo, and then	10:28:32
24		gradually the popularity of the Ultraman series also	10:28:35
25		declined. And that showed up in the sales number of	10:28:40

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1	Monster Battle?	10:40:55
2	A I'm not familiar with the English title.	10:41:00
3	Q Are you familiar with it under the Japanese	10:41:05
4	translation that -- of that English title?	10:41:08
5	A I know the movie called Urutoraman Kaiju	10:41:11
6	Daikessen.	10:41:23
7	Q Was that released in 1979?	10:41:23
8	A Yes.	10:41:31
9	Q Was that a movie comprised of clips from	10:41:32
10	scenes from live-action Ultraman TV shows?	10:41:36
11	A Yes.	10:41:47
12	Q Do you know whether that movie was distributed	10:41:48
13	outside of Japan?	10:41:51
14	A I don't know about that fact.	10:41:54
15	Q After The Ultraman, was the next Ultraman	10:41:58
16	series produced by TPC Ultraman 80?	10:42:02
17	A That's right.	10:42:11
18	Q When did that show run?	10:42:14
19	A From April of 1980.	10:42:21
20	Q And for one year?	10:42:23
21	A For a year.	10:42:26
22	Q Did the character Ultraman 80 make his first	10:42:28
23	appearance in the show Ultraman 80?	10:42:32
24	A That's right.	10:42:35
25	Q Did the character Yullian make her first	10:42:40

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1 appearance in the show Ultraman 80?

10:42:44

2 A Yes.

10:42:47

3 Q Is Yullian considered an Ultra hero?

10:42:50

4 A It's counted as one of the Ultra heroes.

10:42:54

5 Q Did Ultraman 80 include any of the characters
6 who appeared in any Ultraman series prior to Ultraman
7 Leo?

10:43:00

10:43:03

10:43:09

8 A There are some episodes where Ultra heroes
9 appear as guests.

10:43:21

10:43:33

10 Q Do you know whether Ultraman 80 was
11 distributed outside of Japan?

10:43:35

10:43:40

12 A I don't know.

10:43:41

13 Q Are you familiar with a movie called The
14 Adventures of Ultraman?

10:43:51

10:43:53

15 A I believe this work is one that was made by
16 re-editing The Ultraman work we talked about earlier.

10:44:04

10:44:15

17 Q Where was this movie distributed, if you know?

10:44:21

18 A USA.

10:44:24

19 Q And was that a direct-to-video release?

10:44:31

20 A I don't know.

10:44:35

21 Q Do you know whether that movie included any of
22 the characters who appeared in any Ultraman series prior
23 to Ultraman Leo?

10:44:39

10:44:42

10:44:45

24 A Are you referring to the Adventures of
25 Ultraman?

10:44:57

10:45:06

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1 Q Do we have six or seven or -- 10:55:10

2 A Let's suppose one of the Jacks is the original 10:55:32

3 Ultraman, then you have the six Ultraman, and maybe they 10:55:37

4 counted Mother of Ultra as one as well. So that makes 10:55:41

5 it seven maybe, but I'm not sure. 10:55:46

6 Q And did White Monkey Hanuman and Six Ultra 10:55:50

7 Brothers include any characters who first appeared in 10:55:54

8 Ultraman Leo? 10:55:57

9 A Nothing included in Ultraman Leo. 10:56:11

10 Q Did White Monkey Hanuman and the Six Ultra 10:56:18

11 Brothers include any characters who first appeared in 10:56:22

12 Ultraman 80? 10:56:25

13 A No. 10:56:38

14 Q Going back to Exhibit 99A, there's a reference 10:56:41

15 to Ultraman Zoffy. Do you see that? 10:56:46

16 A Yes. 10:56:56

17 Q Okay. And Zoffy is not referred to as 10:56:57

18 Ultraman Zoffy when he's a character; is that right? 10:57:00

19 A That's right. And the reason is the word 10:57:18

20 "Ultraman" is added as a prefix to Zoffy is to bring 10:57:34

21 cachet to the title. 10:57:42

22 Q When was Ultraman Zoffy released by TPC? 10:57:43

23 A I believe it was in the spring of 1984, either 10:58:02

24 March or April. Either way, spring. 10:58:12

25 Q Did Ultraman Zoffy include footage from prior 10:58:15

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1	live-action Ultraman series?	10:58:18
2	A Yes.	10:58:32
3	Q Which series?	10:58:33
4	A I don't remember accurately. But based on	10:58:50
5	what I know now, Ultra Q, Man, Seven, Jack, Ace, Taro,	10:58:55
6	Leo, and maybe 80, but I'm not sure about that.	10:59:03
7	(The witness and interpreters conferred in	10:59:14
8	Japanese.)	10:59:23
9	A So it's Ultra Q, Man, Seven, Jack, Ace, Taro,	10:59:23
10	and Leo, maybe 80, but I'm not sure if it was included.	10:59:28
11	Q Did Ultraman Zoffy include new footage that	10:59:31
12	had not been included in prior live-action Ultraman	10:59:34
13	series?	10:59:38
14	A Yes. There were new footage newly filmed	11:00:03
15	specifically for this movie.	11:00:09
16	Q As a percentage of the entire film by length,	11:00:10
17	can you estimate what percentage of footage was new for	11:00:15
18	that film?	11:00:18
19	A It doesn't amount to 10 percent.	11:00:31
20	Q Was Ultraman Zoffy released outside of Japan;	11:00:33
21	do you know?	11:00:38
22	A I don't know.	11:00:48
23	Q Do you know whether Ultraman Zoffy was	11:00:50
24	licensed to Mr. Sompote for release in Thailand?	11:00:53
25	A No.	11:01:05

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Transcript of Akitaka Hara

Conducted on January 18, 2017

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1	MR. GOLDSTEIN: The answer is "I don't know."	11:01:10
2	MR. WEXLER: Thank you.	11:01:13
3	Q Do you know whether TPC provided negatives of	11:01:15
4	Ultraman Zoffy to Mr. Sompote?	11:01:21
5	A I don't know.	11:01:34
6	Q Have you ever heard of a movie called Space	11:01:35
7	Warriors 2000?	11:01:41
8	A No. I don't know.	11:01:45
9	Q Have you ever heard of a movie called Hanuman	11:01:48
10	and the Eleven Ultraman?	11:01:51
11	A Never heard of it.	11:02:00
12	Q Okay. I am going to show you some screen	11:02:03
13	captures that I'll represent to you were taken from	11:02:06
14	Space Warriors 2000, and I am going to be asking you to	11:02:09
15	identify the character who appears. So that's	11:02:14
16	Exhibit 219.	11:02:37
17	(A. HARA Deposition Exhibit 219 marked for	11:02:38
18	identification and attached to the transcript.)	11:02:39
19	Q If you can tell me what character that is.	11:02:39
20	A I believe it's Ultraman Leo.	11:02:46
21	Q Can you hold him up for the camera?	11:02:51
22	A This is probably Ultraman Leo.	11:02:57
23	Q I'm going to now give you Exhibit 220.	11:03:04
24	(A. HARA Deposition Exhibit 220 marked for	11:03:17
25	identification and attached to the transcript.)	11:03:17

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Transcript of Akitaka Hara

Conducted on January 18, 2017

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1	Q	And if you can tell me who this character is.	11:03:17
2	A	Probably Astra.	11:03:25
3	Q	Now I'm going to give you Exhibit 221.	11:03:31
4		(A. HARA Deposition Exhibit 221 marked for	11:03:35
5		identification and attached to the transcript.)	11:03:46
6	Q	And if you can tell me who this lovely	11:03:46
7		gentleman is.	11:03:51
8	A	Probably Ultraman King.	11:03:54
9	Q	Okay. And now I am going to give you	11:04:04
10		Exhibit 222. I apologize for the quality of these	11:04:08
11		photos. They're not -- they're not particularly high	11:04:17
12		resolution, as you can tell.	11:04:20
13		(A. HARA Deposition Exhibit 222 marked for	11:04:21
14		identification and attached to the transcript.)	11:04:28
15	Q	And if you can tell me who that is.	11:04:28
16	A	Probably Ultraman 80.	11:04:37
17	Q	And now I'm going to give you Exhibit 223.	11:04:45
18		(A. HARA Deposition Exhibit 223 marked for	11:05:01
19		identification and attached to the transcript.)	11:05:01
20	Q	And if you could tell me who, I believe, she	11:05:01
21		is.	11:05:01
22	A	This is probably Yullian.	11:05:16
23	Q	Okay. And I will mark as Exhibit 224 a poster	11:05:19
24		that I believe is the Thai poster for Hanuman and the	11:05:24
25		Eleven Ultraman.	11:05:29

No. 129369

Re: Deposition of **Akitaka Hara**

Date: 1/18/2017

Case: UM Corporation -v- Tsuburaya Productions Co. Ltd.

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ACKNOWLEDGMENT OF DEPONENT

I, Akitaka Hara, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

Feb. 27, 2017

(Date)

Akitaka Hara

(Signature)

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2
3 I, M. Allred, RPR, CSR(A), the officer before whom
4 the foregoing deposition was taken, do hereby certify
5 that the aforementioned witness was first duly sworn by
6 the Consular Officer to testify the whole truth; that
7 the foregoing transcript is a true and correct record of
8 the testimony given; that said testimony was taken by me
9 stenographically and thereafter reduced to typewriting
10 under my direction; that reading and signing was
11 requested; and that I am neither counsel for, related
12 to, nor employed by any of the parties to this case and
13 have no interest, financial or otherwise, in its
14 outcome.

15
16 IN WITNESS WHEREOF, I have hereunto set my hand this
17 29th day of January, 2017.

18
19
20
21 
22

23 _____
24 M. Allred, RPR, CSR(A)

25 My commission expires: 01/31/2020

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